

Message Text

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ACTION L-03

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C O N F I D E N T I A L GENEVA 6321

DEPT FOR L-FELDMAN, IO-FRANK: NEW YORK-AMB YOUNG

E.O. 11652: GDS

TAGS: ECOSOC, EGEN, UN, XF, PORC

SUBJ: 63RD ECOSOC: AGENDA ITEM 17 - INTERNATIONAL AGREEMENT ON
ILLICIT PAYMENTS

REF: GENEVA 6322

TRANSMITTED BELOW IS USDEL'S PROPOSED REVISED TEXT AS PROMISED
REFTEL

BEGIN TEXT

THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING GENERAL ASSEMBLY RESOLUTION 3514 (XXX)

OF 15 DECEMBER 1975 AND RESOLUTION 2041 OF THE COUNCIL;

NOTING THAT THE AD HOC INTERGOVERNMENTAL WORKING
GROUP HAS EXAMINED THE PROBLEM OF CORRUPT PRACTICES, IN
PARTICULAR BRIBERY, AND HAS PRESENTED A REPORT TO THE COUNCIL
WHICH INCLUDED TEXTS THAT CAN BE USED AS A
BASIS FOR AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS,
ALONG WITH A RECOMMENDATION THAT THE WORKING GROUP BE
REQUESTED TO DRAFT SUCH AN AGREEMENT AND THAT ECOSOC
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CONSIDER THE QUESTION OF CONVENING A DIPLOMATIC CONFERENCE
OF PLENIPOTENTIARIES TO CONCLUDE THE AGREEMENT;

CONSIDERING THAT CORRUPT PRACTICES, IN PARTICULAR
BRIBERY, IN INTERNATIONAL COMMERCIAL TRANSACTIONS UNDERMINE
THE MORAL FABRIC OF POLITICAL AND ECONOMIC INSTITUTIONS,
DISTORT TRADE AND HINDER DEVELOPMENT, AND ECUMBER RELATIONS
AMONG GOVERNMENTS;

RECOGNIZING THAT ILLICIT PAYMENTS TAKE MANY FORMS,
INCLUDING THE OFFER, DEMAND, PAYMENT AND RECEIPT OF BRIBES
AND INVOLVE BOTH DIRECT PAYMENTS AND INDIRECT PAYMENTS
THROUGH EXCESSIVE FEES AND COMMISSIONS TO INTERMEDIARIES;

1. REAFFIRMS THAT THE FORMULATION OF A CODE OF CONDUCT
BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN
THE HIGHEST PRIORITY AND THAT THE CONCLUSION OF AN INTERNATIONAL
AGREEMENT ON ILLICIT PAYMENTS SHOULD IN NO WAY INTERFERE WITH OR
DELAY THAT PRIORITY.

2. DECIDES:

(A) TO CONTINUE THE AD HOC INTERGOVERNMENTAL
WORKING GROUP AND TO EXPAND ITS MEMBERSHIP SO AS TO PERMIT
THE PARTICIPATION OF ALL INTERESTED MEMBER STATES;

(B) TO INSTRUCT THE AD HOC INTERGOVERNMENTAL
WORKING GROUP TO DRAFT AN INTERNATIONAL AGREEMENT ON
ILLICIT PAYMENTS IN CONNECTION WITH INTERNATIONAL
COMMERCIAL TRANSACTIONS, AS DEFINED BY THE WORKING GROUP,
BY TRANSNATIONAL AND OTHER CORPORATIONS, THEIR INTERMEDIARIES
AND OTHERS INVOLVED, AND TO CONTINUE ITS EXAMINATION OF
OTHER MEASURES TO DEAL WITH ILLICITY PAYMENTS AND OTHER
CORRUPT PRACTICES;

(C) TO CONVENE, IN ACCORDANCE WITH ARTICLE 62,
PARAGRAPH 4 OF THE CHARTER OF THE UNITED NATIONS, AS SOON
AS THE PREPARATIONS OF THE AD HOC WORKING GROUP PERMIT, A
PLENIPOTENTIARY CONFERENCE TO ADOPT AN INTERNATIONAL AGREEMENT
OR AGREEMENTS ON ILLICIT PAYMENTS IN CONNECTION WITH INTER-
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NATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL AND OTHER
CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED;

(D) THAT THE AD HOC INTERGOVERNMENTAL WORKING
GROUP SHALL MEET AS NECESSARY IN 1977 AND 1978 IN ORDER TO
COMPLETE ITS TASK AND MAKE A FINAL REPORT TO THE 65TH SESSION
OF ECOSOC BOTH WITH RESPECT TO ILLICIT PAYMENTS AND WITH
RESPECT TO OTHER CORRUPT PRACTICES;

3. REAFFIRMS THAT THE INTERNATIONAL RULES TO BE
ADOPTED ON ILLICIT PAYMENTS ARE INTEGRALLY RELATED TO
THE URGENT EFFORTS WITH RESPECT TO THE ACTIVITIES OF
TRANSNATIONAL CORPORATIONS ON WHICH THE INTERNATIONAL
COMMUNITY IS EMBARKED. END TEXT. VANDEN HEUVEL

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